

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROEL LEMUS GARCIA and DIANA GUZMAN

Defendant.

8:16CR308

ORDER

This matter is before the Court on Defendant Guzman's Unopposed Motion to Continue Trial [66]. Counsel is seeking additional time for the defendant to continue treatment for ongoing psychological problems. Defendant Garcia has also filed a Motion to Continue Trial [67] and a Motion to Strike [68] the Motion to Continue Trial [67]. For good cause shown,

IT IS ORDERED that Defendant Garcia's Motion to Strike the Motion to Continue Trial [68] is granted. The Motion to Continue Trial [67] is stricken from the record. Defendant Guzman's Unopposed Motion to Continue Trial [66] is granted as follows:

1. The jury trial, **as to both defendants**, now set for January 9, 2018, is continued to **March 6, 2018**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and March 6, 2018**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

Dated this 5th day of January, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge